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PATENT APPLICATION

10/624,077



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David D. Griner, et al.

Serial No.:

10/624,077

Filed:

July 21, 2003

Group No.:

2655

Examiner:

Ali Neyzari

Title:

SYSTEM AND METHOD OF CREATING DIGITAL  
RECORDINGS OF LIVE PERFORMANCES

DECLARATION OF ROBERT STARRETT

I, the undersigned, hereby declare and state that:

1. My name is Robert Starrett. I am over the age of 21 years, of sound mind, and competent in all respects to make this Declaration.
2. I recorded a live event at the 1998 SIGCAT (Special Interest Group on CD-ROM and Related Technologies) conference sponsored by the United States Geological Survey (USGS). This conference was a well known and well attended conference on CD-ROM technologies. Many or most of the major players in the CD-ROM industry would attend this conference each year to exhibit and attend educational programs. Many or most of the major players were present in 1998. Dr. Jerry McFaul of the USGS ran this conference.
3. Dr. McFaul would typically hire a band for a concert on the last night of the conference and he and some other in the industry would sit in for a set or two with the band and play their respective instruments.
4. At the 1998 Conference, I was asked (I believe by Rimage Corporation) to record a portion of the concert which involved a band that was playing live, create a master disc, and then use the master disc to make labeled copies that would be handed out to attendees as they left the concert.
5. I worked with sound engineer to accomplish the live recording. The sound engineer provided a direct feed off of his sound board to a Toshiba Tecra 750 laptop computer. This was a separate feed tailored towards the recording. I used software called "Just Audio" by Cequadrat Corporation from Germany to do the recording. I recorded an hour of live audio to the hard disk of the laptop in the form of one large .WAV file. The sound

engineer at my direction would turn down the sound on the feed to the laptop between songs so as to create "silence." between songs.

6. I believe that the Just Audio software had the capabilities to perform normalization, equalization, fades, noise reduction, and adjustment of peak levels. I believe that the Just Audio software did not have the capability to perform compression.

7. I do not believe that I used the Just Audio software to perform any normalization, equalization, fades, or adjustment of peak levels in connection with the concert at the 1998 conference.

8. I did not use the Just Audio software to perform any type of compression at the 1998 conference.

9. After recording an hour of content, I left the bar where the band was playing and used the Just Audio software to automatically split the .wav file into different tracks. The Just Audio software had a feature that would locate silence in a large .WAV file and split the file up into smaller files, each representing a different song.

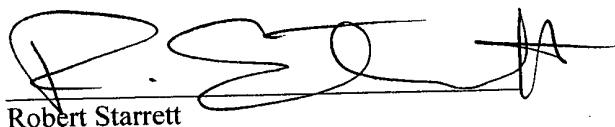
10. After doing the splitting, I then recorded a master audio CD meeting Red Book standards on a Ricoh portable CD recorder attached to the laptop. I gave this CD to a Rimage representative.

11. For duplication, I believe that the Rimage representative used a Rimage duplicator. It contained a built-in labeler. They made copies of the master CD and labeled them.

12. Because I recorded the band's first set, there was plenty of time to make these discs before people left the concert and people were offered a free disc as they left the concert.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Further, I declare that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Signed this 14<sup>th</sup> day of December 2004.



Robert Starrett